

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL THOMAS DAVITT,  
 Plaintiff,  
 vs.  
 DR. ZISNER,  
 Defendant.

Case No. 2:14-cv-01504-GMN-CWH

**ORDER**

Presently before the Court is Plaintiff Michael Thomas Davitt's Motion for Extension of Time to Effectuate Service on Defendant Dr. Zisner (Doc. #21), filed on August 10, 2015. According to Plaintiff, the officers at the Clark County Detention Center have destroyed all of his documents related to this case that were in his cell. Plaintiff therefore argues he is unable to comply with the Court's most recent order regarding service. Thus, Plaintiff requests additional time to serve Defendant Dr. Zisner.

In the Court's most recent Order (Doc. #19) dated July 17, 2015, the Court directed the Clerk of Court to issue a summons as to Defendant Dr. Zisner. The Clerk of Court issued the summons (Doc. #20) on July 17, 2015, and hand delivered the summons to the United States Marshals Service. The Court ordered Plaintiff, within twenty-one days from receiving from the United States Marshals Service a copy of the Form USM-285 as to Dr. Zisner, to file a notice with the Court stating whether Defendant Dr. Zisner was served. Based on Plaintiff's motion, it is unclear whether Plaintiff received a copy of the Form USM-285 regarding Dr. Zisner from the United States Marshals Service. Regardless, based on the representations in Plaintiff's motion, it appears that Plaintiff no longer has any documents related to this case and therefore cannot comply with the Court's Order (Doc. #19).

1 IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time to Effectuate  
2 Service on Defendant Dr. Zisner (Doc. #21) is GRANTED.

3 IT IS FURTHER ORDERED that along with a copy of this Order, the Clerk of Court shall send  
4 to Plaintiff copies of the Complaint (Doc. #4), the Court's Screening Order (Doc. #5), the Court's Order  
5 (Doc. #19) dated July 17, 2015, the Summons (Doc. #20), and a blank copy of the Form USM-285.

6 IT IS FURTHER ORDERED that Plaintiff shall have until September 19, 2015, to provide to  
7 the United States Marshals Service the required USM-285 form with relevant information as to  
8 Defendant Dr. Zisner on the form.

9 IT IS FURTHER ORDERED that within twenty days after receiving from the United States  
10 Marshals Service a copy of the Form USM-285 showing whether service has been accomplished,  
11 Plaintiff must file a notice with the Court stating whether Defendant Dr. Zisner was served.

12 IT IS FURTHER ORDERED that Plaintiff's failure to file proof of service as to Defendant Dr.  
13 Zisner on or before December 18, 2015, will result in a recommendation that this case be dismissed,  
14 without prejudice.

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16 DATED: August 20, 2015

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20 C.W.Hoffman, Jr.  
21 United States Magistrate Judge  
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